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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,502	08/20/2001	Edward W. Catton	7175-68263	5909

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EXAMINER

CROSLAND, DONNIE L

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 12/30/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,502

Applicant(s)

CATTON ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-139 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-139 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11 . 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Declaration filed on 9-25-03 under 37 CFR 1.131 is sufficient to overcome the Spriggs reference.

Information Disclosure Statement

The listed documents AM-AR and AT lacks a date as required by 37 CFR 1.98(5), see MPEP 609.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-111, 124-129, and 137-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao.

Joao shows an alarm system for use in a commercial environment (col. 2, lines 49 and 50, col. 9, lines 56-64), and provides monitoring devices for reading and/or monitoring gas meter/usage, col. 12, and lines 48-56.

Joao fails to suggest the commercial premises as being medical. The artisan recognizes that commercial premises include various industrial buildings including hospitals.

It is submitted that hospitals and healthcare facilities are within the meaning of commercial buildings or premises and accordingly, the artisan recognizes that the suggestion of commercial premises would include healthcare facilities.

It would have been obvious to one having ordinary skill in the art to “use” the gas alarm” of Joao in a healthcare facility.

Joao further employs a network of computer devices as well as the transmission of monitored data such as results from gas monitoring on the LAN and WAN network.

Accordingly, Joao clearly teaches the artisan to monitor gas in a commercial facility (which may be a hospital) and communicate the monitored information over the network whereby end users (personal computers) may view the analysis.

The recited area alarm controller and the master alarm controller are no more than designated network computers involved in monitoring the gas parameter, for instance the central network hub computer that is interfaced with the WAN through a (firewall) reads on the master alarm controller and the network computers (LAN) reads on the area alarm controller.

With respect to claim 7, plural display modules being associated with a respective sensor module would not involve patentable invention since it is within the capabilities of the skilled artisan to duplicate structure wherein only a duplication of function results. Invention is not involved in providing a one-one correspondence between the sensor and display.

Gas pipes are within the environment of gas monitoring.

The provision of a microprocessor in a sensor module would not involve patentable invention since it is within the capabilities of the skilled artisan to process sensed information and wherein the processing of the information is a microprocessor.

As pointed out, Joao teaches a network.

It is contended that Joao enjoys all the benefits associated with Internet communication and end users when applying user specific software, for instance Netscape and Internet Explorer.

Such interactive software offers the benefits of programming and configuration of devices etc, for instance user name and password, clock control like time and date, web page, uploading and downloading information, gateway identifier, Mac address, Internet Protocol, event logs, setup.

The association of ports for input signal interface from sensors to the alarm controller is no more than connectors for interface devices such as printers, monitors, etc. The use of ports would not involve patentable invention.

The setup information is clearly within the capabilities of the skilled artisan and involves routine programming or reconfiguration of the controller's computer.

With respect to claim 75, the alarm controller is no more than the LAN controller (CPU 4) of Joao.

The use of plural LEDs in correspondence with sensor actuation in conventional in the monitoring of plural sensors in a commercial or industrial systems as evidenced conventional area alarm with remote or local sensor and employing LED digital readouts.

Alternating text with respect to an alarm depends on the nature of programming which determines the manner in which text is displayed. Such would not involve patentable invention.

Text messages for identifying alarms is conventional and would not involve patentable invention.

Again, the master alarm controller is analogous to the LAN controller of Joao.

With respect to claim 112, the artisan recognizes the use of a housing the alarm controller as evidenced by conventional alarm panel controllers.

Input buttons reads on the conventional keyboard associated with the controller and monitor of Joao. Programming is achieved through the input keys of the keyboard.

With respect to claims 120 and 123, note email and pager in col. 74, lines 12-18.

With respect to claim 124, a history log would not involve patentable invention and is conventional as evidenced by conventional programmable alarm systems with alarm history display. The recited history log of alarm conditions would not involve patentable invention.

With respect to claim 130, the gas line is inherent in Joao's gas monitoring system as well as some type of transducer for sensing the gas.

Type of gas and serial number are programmable features recognized by the artisan. Such would not involve patentable invention.

With respect to claim 136, power line communication is conventional as evidenced by conventional CEBUS or PLC systems. Joao clearly provides for other suitable communications mediums, col. 15, lines 8-22.

With respect to claim 137, the second alarm controller is no more than an additional computer other than the master computer on the LAN of Joao. Either the master or secondary computer can monitor for sensor operation such being within the capabilities of the skilled artisan.

In conclusion, it is felt that the issue of monitoring gas in an industrial or commercial environment and providing a network of computer devices for viewing data with respect to gas monitoring employing (LAN) and (WAN) networks are set forth in the teachings of Joao.

Accordingly, clear suggestion and motivation lies in Joao for gas monitoring in a commercial facility employing a network.

The mere fact that the claims specify the facility as a medical facility is not patentably significant since a medical facility is characterized as a commercial premises.

Also, the artisan recognizes the conventionality of alarm controllers in the form of a conventional panel that employs LEDs illuminated in a specified manner such as

flashing to indicate faults or warnings. Industrial and commercial facilities conventionally employ such panels for process monitoring.

The alarm controller is clearly recognized as the panel or box that encloses the CPU 4 for instance in figure 16 of Joao. Such panels are conventionally located on the wall at some convenient place for viewing by an operator.

Applicants have only added conventional prior art features such as visual indicators (LEDs), history log, error recognition, etc.

The courts have stated that it is not necessary that the reference actually suggests, expressly or in so many words, the changes or improvements that applicant has made. The test for obviousness is what the reference, as a whole would have suggested to the skilled artisan, *In re Sheckler*, 168 USPQ 716.

Again, it is noted that Joao does not suggest certain details as claimed. However, as indicated above, these details are obvious subject matter.

Response to Arguments


Applicant's arguments with respect to claims at issue have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636

Dlc 
12-23-03